

diction thereof," was taken up, read second time, and ordered engrossed

On motion of Senator Crain, the rules were further suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—24.

NAYS—None.

NOT VOTING—Senators Douglass, Thompson—2.

The bill was then read a third time, and passed by the following vote:

YEAS—Senators Ball, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—24.

NAYS—None.

NOT VOTING—Senators Blassingame, Thompson—2.

On motion of Senator Burton, the Senate adjourned until to-morrow morning at 9 o'clock.

#### NINETY-EIGHTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, August 11, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

The President *pro tem.* signed Senate Bill No. 350, "An Act to change and define the times of holding the terms of the District Courts in the Sixth Judicial District of the State of Texas."

Senator Hobby presented the memorial of Merrick & Durant, amending their former memorial, asking that, under certain circumstances, they be permitted to bring suit against the State, to establish their claim in some court having competent jurisdiction, and that the suit so permitted may be conducted on the original facts of the case, independent of, and notwithstanding, their receipt for eight thousand dollars," etc.

Referred to Judiciary Committee No. 1.

The following House Bills were taken up by the President *pro tem.*, and referred as follows:

House Bill No. 192—"An Act to amend the act of November 8, 1866, amending an act entitled, 'An Act to establish a penal code,'" approved August 26, 1856.

Referred to Judiciary Committee No. 2.

House Bill No. 406—"An Act to authorize the Commissioners' Courts to procure buildings for the use of County Courts in certain cases."

Referred to Judiciary Committee No. 2.

House Bill No. 416—"An Act to prohibit the Judges of County Courts of this State from practising as attorneys or counselors-at-law in the County Courts and the Courts of Justices of the Peace of the State, and to affix a penalty for a violation of its provisions."

Referred to Judiciary Committee No. 1.

House Bill No. 386—"An Act to authorize the Comptroller to draw

his warrant on the State Treasurer in favor of the County Treasurer for the use and benefit of the county for all amounts that were illegally assessed and collected on account of the frontier tax of 1873, and paid into the State Treasury."

Referred to Committee on Finance.

House Bill No. 76, "An Act to define and punish barratry," was taken up, read second time and passed to a third reading.

On motion of Senator Wortham, the rules were suspended, and House Joint Resolution No. 281, "To grant the use of the lot of land to the Methodist Church," was taken up, read second time and passed to a third reading.

On motion of Senator Douglass, the rules were suspended, and House Bill No. 414, "An Act to provide for the manner of filling vacancies in the office of District or County Clerks in such counties as have elected but one Clerk, and to validate their acts," was taken up and read first time.

Senator Douglass moved to suspend the rules to place the bill on its second reading.

Carried by the following vote:

YEAS—Senators Blassingame, Brown, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson, Wortham—24.

NAYS—None.

NOT VOTING—Senators Ball, Burton, Crain, McLeary, Stephens—5.

Bill read second time.

Senator Douglass offered the following amendment:

Amend by adding the following after Section 4:

"SEC. 5. This act shall not apply to such counties as are shown by the United States census of 1870 to have a population of less than eight thousand inhabitants; and in such counties the official acts of Clerks holding both offices are hereby declared to be as legal and binding as if the Clerk held but one office."

Amend Section 5 by striking out the figure, "5," and inserting the figure, "6."

Adopted, and bill passed to a third reading.

Senator Douglass moved a suspension of the rules to place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Blassingame, Brown, Douglass, Edwards, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson, Wortham—22.

NAYS—None.

NOT VOTING—Senators Ball, Burton, Crain, Francis, Ford, McLeary, Stephens—7.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Douglass, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson, Wortham—25.

NAYS—None.

NOT VOTING—Senators Crain, Martin, McCormick, Stephens—4.

Senator Terrell, from the Committee of Conference on House Bill No. 69, "An Act to provide for the election of Justices of the Peace, and to define their power and jurisdiction," submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee of Conference, to whom was referred House Bill No. 69, entitled, "An Act to provide for the election of Justices of the Peace, and to define their powers and jurisdiction," report that they have met the House Committee, and are unable to agree, and ask leave to sit as a Committee of Free Conference. TERRELL, *for Committee.*

Report of committee adopted, and the Conference Committee on this bill were appointed a Committee of Free Conference on the differences of the two Houses on said bill.

On motion of Senator Wortham, the rules were suspended, and substitute for House Bills Nos. 189 and 211, "An Act to carry into effect Section 22, Article 16, of the Constitution of the State of Texas, authorizing the passage of fence laws," was taken up, read third time, and passed.

House Bill No. 137, "An Act to amend an act entitled, 'An Act to amend Article 11 of an act entitled, 'An Act concerning divorce and alimony,' approved January 6, 1841,' approved May 27, 1873," was taken up, and read first time.

Senate Bill No. 57, "An Act to repeal Section 4 of an act entitled, 'An Act to regulate the keeping and bearing of deadly weapons,' approved April 12, 1871," was taken up, read second time, and ordered engrossed.

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, Senate Bill No. 350, entitled: "An Act to change and define the times of holding the terms of the District Courts in the Sixth Judicial District of the State of Texas." The same has been properly signed and presented to the Governor this day, at 9:15 A. M., for his approval. GRACE, *Chairman.*

Senator Wortham, from the Committee on Engrossed Bills, submitted the following reports:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Enrolled Bills have carefully read and compared Senate Bill No. 170, "An Act to regulate the practice of medicine," and found the same correctly engrossed. WORTHAM, *for Committee.*

On motion of Senator Blassingame, the rules were suspended, and Senate Bill No. 170, "An Act to regulate the practice of medicine," was taken up and read third time.

Senator Blassingame offered the following amendment:

"It being important that the benefits of this act be realized at once, creates such imperative public necessity and an emergency as requires that it be of force and effect upon its passage, and it is so declared."

Adopted.

Senator Francis offered the following:



Amend proviso, in line 7, after the word, "to," where it last occurs, and insert, "those who have obtained certificates of qualification under said act, nor to."

Adopted.

The bill passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Douglass, Edwards, Francis Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, Moore, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson, Wortham—24.

NAYS—Senator McCulloch—1.

NOT VOTING—Senators Crain, Martin, McCormick, Stephens—4.

A message was received from the House, announcing the passage, by that body, of the following bills:

Senate Bill No. 345, "An Act to authorize sureties on the official bonds of county officers to require the principals in such bonds to give new bonds, and to provide for giving of such bonds in such cases."

Senate Bill No. 378—"An Act to amend an act entitled, 'An Act prescribing the times of holding the District Courts in the Twelfth Judicial District, and to attach certain counties therein named for judicial purposes,' approved July 29, 1876."

Senate Bill No. 354—"An Act to authorize the Commissioner of the General Land Office to appoint a surveyor," with amendments.

Senate Bill No. 216—"An Act to establish and provide for the support and maintenance of an efficient system of public free schools," with amendments.

House Bill No. 37, entitled, "An Act regulating the duties of Tax Collectors in reference to the seizure and sale of property of delinquent tax-payers, and to define the further duties, powers, qualifications and liabilities of Collectors of Taxes, and to regulate their compensation," was taken up, the House having refused to concur in Senate amendments, and the Senate considered the amendments *seriatim*, and refused to recede from the same.

On motion of Senator Storey, a Committee of Free Conference was appointed on said bill.

The President *pro tem.* appointed on said Committee of Free Conference, Senators Guy, Storey and Douglass.

On motion of Senator McLeary, Senate Bill No. 216, entitled, "An Act to establish and maintain a system of public free schools," was taken up, with House amendments, and referred to the Committee on Education.

Senate Bill No. 52, entitled, "An Act to repeal Section 27 of an act amendatory of an act supplemental to an act authorizing sales of University lands," approved April 8, 1874, was taken up and read second time, and, on motion of Senator Edwards, was temporarily postponed.

On motion of Senator Blassingame, the rules were suspended, and House Bill No. 263, entitled, "An Act to levy a tax on dogs, and to provide for the assessment and collection of the same," was taken up and read third time.

Senator Ford moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Brown, Francis, Martin, McCulloch, Moore, Stephens, Terrell.

Pending the call, the bill went to the table.

Senator Grace, by leave, introduced a joint resolution, "Authorizing and empowering the Governor of the State to give bond for the quota of arms to which Texas is entitled, under the joint resolution of Congress, approved July 3, 1876.

Read, and referred to the Committee on Military Affairs.

Senate Bill No. 87, "An Act to be entitled, 'An Act to amend an act entitled, "An Act to prohibit the sale or giving away of intoxicating liquors within five miles of certain places therein named," approved February 8, 1875,' " was taken up, read first time, and report of committee, recommending that the bill do not pass, adopted, and bill lost.

On motion of Senator Blassingame, the rules were suspended, and Senate Bill No. 354, "An Act to authorize the Commissioner of the General Land Office to appoint a surveyor," with House amendments, was taken up, and said amendments concurred in.

Senate Bill No. 123, "An Act for the benefit of keepers and owners of stud-horses, jackasses and bulls," was taken up and read second time.

The amendments of the committee were adopted, and the bill ordered engrossed.

Senator Blassingame moved to excuse Senator Stephens.

Carried by the following vote:

YEAS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McCormick, McCulloch, Moore, Motley, Piner, Smith, Wortham—19.

NAYS—Senators Ball, Burton, Ford, Ledbetter, Ripetoe, Storey, Terrell, Thompson—8.

NOT VOTING—Senator McLeary—1.

Senate announced full, and the consideration of House Bill No. 263, "An Act to tax dogs," etc., was resumed.

Senator Ford gave notice of entering protest against excusing an absent Senator under a call of the Senate.

Senator Crain in the chair.

Senator Ledbetter offered the following amendment:

Amend by striking out the proviso exempting "one dog to a family."

Senator Grace moved the previous question on the amendment.

Not seconded.

Senator Piner moved the previous question on the bill and pending amendments.

Seconded, and the main question ordered.

Senator Ledbetter's amendment lost by the following vote:

YEAS—Senators Ball, Burton, Ford, Henry J. R., Ledbetter, Martin, McCormick, Motley, Ripetoe, Smith—10.

NAYS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry F. M., Hobby, McCulloch, Piner, Terrell, Thompson, Wortham—15.

NOT VOTING—Senator Moore—1.

Senator Storey was paired off with Senator McLeary.

The bill then passed by the following vote:

YEAS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Guy, Martin, McCormick, McCulloch, Motley, Piner, Smith, Wortham—13.

NAYS—Senators Ball, Burton, Francis, Ford, Grace, Henry J. R., Hobby, Ledbetter, Ripetoe, Terrell, Thompson—11.

NOT VOTING—Senators Henry F. M., Moore—2.

Senator Storey, who would have voted, "yea," was paired off with Senator McLeary, who would have voted, "nay."

Senator Burton offered the following protest, which was ordered spread on the journals:

"I hereby enter my protest against the passage of this bill levying a per capita tax on dogs, and assign as my reasons for voting against said bill, because said tax is contrary to Section 1, Article 8, of the Constitution—in this: 'It is not a tax in proportion to the value of the property, but is a tax for the privilege of keeping or owning a dog.'

"W. M. BURTON."

Senate Bill No. 127—"An Act to repeal Section 6 of an act approved March 10, 1875, and entitled, 'An Act to encourage the construction of canals and ditches for navigation and irrigation,'" was taken up, read first time, and, on motion of Senator Ball, indefinitely postponed.

Senate Bill No. 128—"An Act to carry into effect Section 11, Article 15, of the Constitution," was taken up and read second time, together with majority and minority reports, and substitute of Judiciary Committee No. 2.

Senator Edwards moved the adoption of the minority as a substitute for the majority report.

Also, moved a call of the Senate on his motion.

Call seconded.

Roll called.

ABSENT—Senators Burton, Smith.

Pending the call, the bill went to the table.

Senator Stephens, Chairman of the Committee on Engrossed Bills submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Engrossed Bills have examined, compared and found correctly engrossed, Senate Bill No. 57, "An Act to provide for designating and surveying three million acres of the unappropriated public domain for the erection of a new State Capitol and other necessary public buildings at the seat of government.

STEPHENS, Chairman.

Senate Bill No. 132—"An Act to destroy certain State bonds, amounting, in the aggregate, to \$402,535.75, and to drop the same from the list of indebtedness against the State," was taken up, read second time, and substitute recommended by the committee, entitled, "An Act to destroy certain State bonds, to the amount of \$320,367.13, now in the Treasury, issued to the common school fund as an indemnity for warrants belonging to that fund and destroyed during the war," adopted, and bill ordered engrossed.

On motion of Senator Storey, the rules were suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Douglass, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Thompson—25.

NAYS—None.

NOT VOTING—Senators Francis, Smith, Terrell, Wortham—4.

The bill was then read third time, and passed by the following vote:

YEAS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Fran-



cis, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McCulloch, Moore, Motley, Stephens, Storey, Terrell, Wortham—20.

NAYS—Senator Ball, Burton, Henry F. M., McLeary, McCormick, Piner, Ripetoe, Thompson—8.

NOT VOTING—Senator Smith—1.

On motion of Senator Storey, the rules were suspended, and Senate Bill No. 155, "An Act to amend 'An Act to adopt and establish a penal code for the State of Texas,'" approved August 28, 1856, was taken up, and read second time.

Senator Storey offered the following amendment to the bill:

Whereas, evil minded persons are in the habit of persuading minors to leave home, and the State, without the consent of their parents and guardians; wherefore, an imperative public necessity exists for the immediate passage of this act, it shall therefore take effect and be in force from and after its passage.

Adopted.

The Senate being announced as full, and the regular order being Senate Bill No. 128, on motion of Senator Edwards it was temporarily postponed, until the pending bill was disposed of.

Senator Guy offered the following amendment:

Amend by adding the following to Section — : "*Provided*, that no one shall be deemed to have violated this act who shall in good faith offer to marry the minor so persuaded away, said minor being a female."

Lost.

Senator Edwards offered the following amendment:

Amend by adding to Section 1, "This act shall not abridge the rights of females over 18 years of age to marry without the consent of their parents, or to punish any one for marrying such a female."

Adopted.

The bill was then ordered engrossed by the following vote:

YEAS—Senators Douglass, Edwards, Francis, Hobby, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—14.

NAYS—Senators Blassingame, Brown, Burton, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin—10.

NOT VOTING—Senators Ball, Crain, McLeary, McCormick, Motley—5.

Senator Storey moved to suspend the rules to place the bill on its third reading.

Lost by the following vote (four-fifths being necessary):

YEAS—Senators Ball, Douglass, Edwards, Francis, Grace, Hobby, Ledbetter, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—16.

NAYS—Senators Blassingame, Brown, Burton, Ford, Guy, Henry J. R., Henry F. M.—7.

NOT VOTING—Senators Crain, Martin, McLeary, McCormick, Motley, Smith—6.

A message was received from the House, announcing that that body had concurred in the Senate's amendments to House Bill No. 186—"An Act to amend 'An Act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1856."

Also, that the House had passed Senate Bill No. 375—"An Act to provide for supplying lost records in certain cases."

Also, House Bill No. 193—"An Act to repeal 'An Act to provide for registration of births.'"

President *pro tem.* in the chair.

Senator Francis, by leave, introduced a bill to be entitled: "An Act to provide for the survey and sale of certain personal property belonging to the State."

Read by caption and referred to Committee on State Affairs.

Senator Edwards from Committee on Engrossed Bills, presented the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Engrossed Bills have carefully examined, compared and found correctly engrossed the following bill:

Senate Bill No. 381: "An Act to provide for the transferring of all criminal suits in which indictments have been found, to the proper court having jurisdiction thereof." EDWARDS, *for Committee.*

Senator Moore, by leave, introduced a bill entitled, "An Act to change the Tenth, Twelfth and Thirteenth Judicial Districts, and to create the Twenty-eighth Judicial District, and to fix the times of holding court in the same.

Read by caption and referred to Judiciary Committee No. 2.

Senator Crain, from Committee on Engrossed Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Engrossed Bills have carefully compared and examined the Senate amendments to House Bill No. 99, "An Act regulating fees to be charged by the Commissioner of the General Land Office," and beg leave to report that they found the same correctly engrossed. CRAIN, *for Committee.*

On motion of Senator Douglass, the rules were suspended, and House Bill No. 160, "An Act fixing the times of holding the District Courts of the Seventh Judicial District, of the State of Texas," was taken up and read first time.

The Senate announced full, and the consideration of Senate Bill No. 128 resumed.

Senator Piner moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Hobby, McCormick.

Pending the call, the bill went to the table.

On motion of Senator Grace, the rules were suspended, and Senate Bill No. 342, "An Act to better define the duties and powers of the Superintendent, Steward, and Board of Managers of the Lunatic, Deaf and Dumb, and Blind Asylums of the State of Texas," was taken up, and read second time.

Senator Grace offered the following amendment:

"It being important that the interests of the State be protected, a great public necessity and an emergency exists that this act be of force and effect from, and after its passage, it is enacted that this act take effect from its passage."

Adopted, and bill ordered engrossed.



Senator Grace moved a further suspension of the rules to place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Storey, Thompson, Wortham—22.

NAYS—None.

NOT VOTING—Senators Crain, Douglass, Hobby, Piner, Smith, Terrell.

Bill read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Thompson, Wortham—22.

NAYS—None.

NOT VOTING—Senators Burton, Crain, Douglass, McLeary, Piner, Smith, Terrell—7.

Senator Edwards offered the following concurrent resolution:

"SEC. 1. *Be it resolved by the Senate, the House of Representatives concurring*, That the Superintendent of Public Property be, and is hereby authorized and required to prohibit any party or parties from having bed-rooms or sleeping in the rooms of the Capitol, or any portion thereof, during the recess of the Legislature.

"SEC. 2. The Superintendent shall allow no balls, parties, shows, theatres, nor any public assemblage, to use the Capitol during the recess of the Legislature.

"SEC. 3. That during the recess of the Legislature the Superintendent is required to lock and securely fasten the doors of the Capitol building by 9 P. M. of each day, and open the same by 7 A. M. of each day.

"SEC. 4. In view of the fact of an urgent necessity for enforcement of this concurrent resolution, as soon as the Legislature adjourn, it is hereby enacted that it will take effect and be in force from and after the adjournment, *sine die* of this session of the Legislature."

Resolution read and adopted.

Senator Grace offered the following resolution:

WHEREAS, It will be impossible to have the laws passed at this session of the Legislature printed in time for distribution, when the Legislature shall adjourn; therefore,

*Be it resolved by the Senate*, That the Committee on Printing be authorized and required to have printed and laid on the desks of Senators, one thousand copies of the captions of all acts passed at this session of the Legislature, for distribution, on the day of adjournment.

Adopted.

On motion of Senator Douglass, the rules were suspended, and Senate Bill No. 29, "An Act to fix the time of holding the next general election," was taken up, pending amendments adopted and bill read third time and passed.

On motion of Senator Martin, the Senate adjourned until 4 o'clock P. M.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present.

On motion of Senator Stephens, Senator McLeary was excused for five days, leave commencing in the morning.

Senate Bill No. 128, being the unfinished business, was taken up.

Senator Ledbetter moved a call of the Senate.

Seconded, and roll called.

ABSENT—Senators Crain, Edwards, McLeary, McCulloch, Smith, Storey, Terrell—7.

Pending the call, the bill went to the table.

Senate Bill No. 126, "An Act to be entitled, 'An Act to fix the time of holding the biennial session of the Legislature,'" was taken up.

On motion of Senator Ledbetter, the bill was ordered to lie on the table, subject to call.

Senate Bill No. 141, "An Act to provide for erecting a monument by the State of Texas, on the battle field of San Jacinto," together with the report of committee, recommending that it do not pass, and that Senate Bill No. 202, "An Act to provide for the erecting of two monuments, one on the site of the Alamo, and one on the battle field of San Jacinto," be substituted for the same, was taken up, and on motion of Senator Ford, ordered to lie on the table, subject to call.

Senate Bill No. 145, "An Act to amend Section 7 of 'An Act to organize and define the powers of the Criminal District Court in and for the Counties of Galveston and Harris, and to prescribe the duties thereof,'" approved July 23, 1870, with an adverse report from the committee, was taken up.

The report of the committee adopted, and bill lost.

Senate Bill No. 143, "An Act to make an appropriation of forty thousand dollars to complete the Agricultural and Mechanical College," was taken up, and on motion of Senator Ledbetter, was indefinitely postponed.

Senator Terrell, Chairman of the Committee of Free Conference on House Bill No. 69, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee of Free Conference, appointed to adjust the differences between the two Houses upon Senate amendments to House Bill No. 69, "An Act to provide for the election of Justices of the Peace, and to define their powers and jurisdiction," beg to report that they, in conjunction with the House Committee, fully agreed upon the differences mentioned, and recommend:

*First*—That the Senate recede from the 10th amendment:

*Second*—That the 12th amendment be so modified as to read as follows: Amend Section 35 by striking out the words, "and imprisonment, or either, as the case may be," in lines 8 and 9.

*Third*—Amend Section 21 by striking out the words, "after motion for new trial has been overruled."

All of which is respectfully submitted.

|            |   |                          |
|------------|---|--------------------------|
| TERRELL,   | } | <i>Senate Committee.</i> |
| GUY,       |   |                          |
| MCCORMICK, |   |                          |
| COLEMAN,   | } | <i>House Committee.</i>  |
| CHESLEY,   |   |                          |
| THOMPSON.  |   |                          |

Report of the committee adopted.

The President *pro tem.* after reading their captions, signed the following bills:

Senate Bill No. 345, entitled, "An Act to authorize sureties on the official bonds of county officers to require their principals on such bonds to give new bonds, and to provide for the giving of such new bonds in such cases."

Senate Bill No. 345, entitled, "An Act to amend an act entitled, 'An Act prescribing the times of holding the District Courts in the Twelfth Judicial District.'"

Senator Ball in the chair.

On motion of Senator Martin, the rules were suspended, and Senate Bill No. 138, entitled, "An Act to amend Section 3 of an act entitled, 'An Act concerning rents and advances,' approved April 4, 1874; also, House Bill No. 99, entitled, "An Act to amend the penal code of the State of Texas," approved August 26, 1856, with several reports from the committee, were taken up.

Senator Martin moved the adoption of the minority report, recommending a substitute for the bill entitled, "An Act to amend Sections 3 and 4 of an act entitled, 'An Act concerning rents and advances,' approved April 4, 1874.

Carried, and the substitute adopted.

Bill read second time and ordered engrossed.

President *pro tem.* in the chair.

On motion of Senator Edwards, Senator Crain was excused for the evening.

On motion of Senator Ledbetter, Senators Stephens and Ball were excused for the evening.

The President *pro tem.*, after reading its caption, signed Senate Bill No. 354, "An Act to authorize the Commissioner of the General Land office to appoint a surveyor."

Senator Edwards in the chair.

Senator Storey, from the Committee of Free Conference on House Bill No. 412, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

The Committee of Free Conference on the disagreement between the two Houses, on House Bill No. 412, "An Act making appropriations for deficiencies for the fiscal year beginning September 1, 1875, and ending August 31, 1876, and previous years," have had the same under consideration, and a majority of the committee recommend to the two Houses:

*First*—That the 10th amendment be modified so as to allow J. W. Harris \$2,500, instead of \$5,000.

*Second*—That the House agree to the 11th, 15th, 16th, 23rd and 24th amendments offered by the Senate.

*Third*—That the Senate recede from its 14th, 17th, 19th, 20th and 22d amendments.

|           |   |                          |
|-----------|---|--------------------------|
| STOREY,   | } | <i>Senate Committee.</i> |
| PINER,    |   |                          |
| EDWARDS,  |   |                          |
| McCOMB,   | } | <i>House Committee.</i>  |
| CHAMBERS, |   |                          |
| BAKER,    |   |                          |

Report of the committee adopted.



The consideration of Senate Bill No. 128 was resumed.

On motion of Senator Guy, its further consideration was postponed until to-morrow, immediately after the roll call.

The President *pro tem.* in the chair.

Senate Bill, No. 147—"An Act to legitimize bastards and provide for their maintenance and support," was taken up, with an unfavorable report from committee, and report of committee adopted and bill lost.

Senator Wortham, from the Committee on Enrolled Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled the following bills:

Senate Bill No. 345, entitled—"An Act to authorize sureties on official bonds of county officers to require the principals in such bonds, to give new bonds; and to provide for the giving of such new bonds in such cases."

Senate Bill No. 378—"An Act to amend an act entitled, 'An Act prescribing the times of holding the District Courts in the Twelfth Judicial District, and to attach certain counties therein named for judicial purposes,'" approved July 29, 1876.

The same have been properly signed and presented to the Governor, this day, at 5:10 P. M., for his approval. WORTHAM, *for Committee.*

Senator Grace, Chairman of Committee on Enrolled Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled the following bill:

Senate Bill No. 374, entitled—"An Act to authorize the Commissioner of the General Land Office to appoint a surveyor."

The same has been properly signed and presented to the Governor, this day, at 5:25 o'clock, P. M., for his approval. GRACE, *Chairman.*

Senator Edwards moved that the Senate adjourn until 8:30 o'clock to-night.

Lost, by the following vote:

YEAS—Senators Burton, Douglass, Edwards, Francis, Guy, Henry J. R., Hobby, McLeary, Moore, Storey, Thompson—11.

NAYS—Senators Blassingame, Ford, Grace, Henry F. M., Ledbetter, McCormick, Motley, Ripetoe, Smith, Terrell, Wortham—11.

NOT VOTING—Senators Brown, Martin, McCulloch, Piner—4.

Senator Guy moved to adjourn until to-morrow morning at 9 o'clock.

Lost, by the following vote:

YEAS—Senators Burton, Edwards, Grace, Guy, Motley, Ripetoe, Storey, Thompson, Wortham—9.

NAYS—Senators Blassingame, Francis, Ford, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCormick, Moore, Smith, Terrell—12.

NOT VOTING—Senators Brown, Douglass, Martin, McCulloch, Piner—5.

Senate Bill No. 149, "An Act to discontinue the Criminal District Court for the counties of Galveston and Harris, and to transfer the causes pending therein," was taken up, read second time, and the report of the committee, "that the bill do not pass," adopted, and the bill lost.

Senator Burton moved to adjourn until to-morrow at 9 o'clock A. M.  
Carried, by the following vote:

YEAS—Senators Burton, Edwards, Ford, Grace, Guy, McCulloch, Moore, Motley, Piner, Ripetoe, Thompson—12.

NAYS—Senators Brown, Francis, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCormick, Smith, Storey, Terrell—11.

NOT VOTING—Senators Blassingame, Douglass, Martin—3.

### NINETY-NINTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, August 12, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair.  
Roll called. Quorum present. Prayer by the Chaplain.

The journal of yesterday adopted.

A message was received from the House, announcing the passage of the following bills:

Substitute for House Bill No. 156—"An Act to enforce the collection of delinquent taxes upon lands assessed since January, 1870."

House Bill No. 407—"An Act providing for the filling of vacancies in the offices of County Treasurer, County Surveyor and Hide Inspectors."

Senate Bill No. 322—"An Act to provide for the holding of District Courts when the Judge thereof is absent, or is, from any cause, disabled or disqualified from presiding," with amendments.

Senate Bills Nos. 80 and 82—"An Act to create the Department of Insurance, Statistics and History."

Senate Bill No. 381—"An Act to provide for the transferring of all criminal cases in which indictments have been found, to the proper court having jurisdiction thereof."

Senator Edwards was excused until 10 o'clock A. M.

On motion of Senator Ball, Senator Guy was excused for 10 days, commencing in the morning.

On motion of Senator Storey, Senator Hobby was granted an indefinite leave of absence.

Senator Piner was excused until 10:30 A. M.

The President *pro tem.*, after reading its caption, signed the following bill:

Senate Bill No. 375—"An Act to provide for supplying lost records in certain cases."

Senator Grace, Chairman of the Committee on Military Affairs, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Military Affairs, to whom was referred Joint Resolution No. 386, "To authorize the Governor to give or make such bond as is required to secure to the State the quota of arms to which it may be entitled, by virtue of a joint resolution of the Congress of the United States," approved July 3, 1876, have carefully examined the same and direct me to report it back, with the recommendation that it be adopted.

GRACE, *Chairman.*

Senator Hobby, Chairman of Judiciary Committee No. 1, submitted the following report: